

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE LICENSURE DISCIPLINE OF

ROLF F. KRUSE, MD, LICENSEE

No. 02-96-340

**STATEMENT OF CHARGES
&
INFORMAL SETTLEMENT
(combined)**

COMES NOW the Iowa Board of Medical Examiners (the Board), and Rolf F. Kruse, MD (the Licensee), and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following Statement of Charges and Informal Settlement.

STATEMENT OF CHARGES

1. The Licensee was issued license number 14386 to practice medicine and surgery in Iowa on July 5, 1951. The license is valid and will next expire on July 1, 1998.
2. On or about August 8, 1996, the Board and the Licensee entered into an agreement which placed the Licensee's Iowa medical license on probation under certain terms and conditions. One of the terms of probation was a prohibition against the Licensee's consumption of alcohol.
3. On or about September 30, 1996, the Licensee consumed alcohol in violation of the terms of his medical license probation.

4. Accordingly pursuant to applicable Iowa statutes and Administrative Code rules, the Board is authorized to impose discipline against the Licensee.

INFORMAL SETTLEMENT

5. The Board has jurisdiction over the parties and subject matter herein.

6. The Licensee admits the allegations of the Statement of Charges.

7. Beginning immediately upon the Board's approval of this Statement of Charges and Informal Settlement the Licensee's Iowa medical license shall be on indefinite probation under the following terms and conditions:

a) The Licensee shall enroll in an outpatient substance abuse treatment program approved by the Board. The Licensee shall abide by all program rules and regulations and follow all program recommendations. The Licensee shall continue in the treatment program until he has been discharged from further treatment and until the discharge has been approved by the Board.

b) The Licensee shall not consume alcohol.

c) The Licensee shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for the Licensee's use by another duly licensed, qualified and treating health care provider. The Licensee shall inform any such health care provider of his history of problematic alcohol use prior to accepting any prescriptions for controlled or prescription drugs.

d) The Licensee shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening, all costs of which shall be paid by the Licensee.

e) The Licensee shall, within thirty (30) days of the date of the Board's approval of this Informal Settlement, submit to the Board the names and curriculum vitae of three physicians or counselors. The Board may approve one of the three to supervise the Licensee's compliance with the terms of and conditions of probation. As a condition of approval the physician or counselor shall agree to provide written quarterly reports to the Board concerning the Licensee's compliance with the terms and conditions of probation. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of the Licensee's probation.

f) The Licensee shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Informal Settlement. The reports shall be filed not later than January 10, April 10, July 10 and October 10 of each year of the Licensee's probation.

g) The Licensee shall attend at least one (1) meeting of AA weekly. The Licensee shall append to each quarterly report referred to paragraph 7-f herein, statements signed or initialed by another person in attendance at the meetings attesting to the Licensee's attendance. The statement shall include the time, date and location of the meetings attended.

h) The Licensee shall make appearances before the Board or a Board committee annually or upon request. The Licensee shall be given reasonable notice of the date, time and location for the appearances.

i) The Licensee shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

8. Within thirty (30) days of the date of the Board's approval of this Informal Settlement the Licensee shall pay a \$2500.00 civil penalty by delivering a check or money order,

payable to the Iowa State Treasurer, to the Executive Director of the Board. The civil penalty shall be deposited into the state general fund.

9. The Licensee shall receive a letter of Citation and Warning. [Copy attached]

10. In the event the Licensee leaves Iowa to reside or to practice outside the state, the Licensee shall notify the Board in writing of the dates of departure and return. Evidence that the Licensee has failed to abide by the terms of subparagraphs 7-c, 7-d or 7-i of this Informal Settlement while outside the state shall constitute a violation thereof.

11. In the event the Licensee violates or fails to comply with any of the terms or conditions of this Informal Settlement, the Board may initiate action to revoke or suspend the Licensee's Iowa medical license or to impose other license discipline as authorized in Iowa Code chapters 272C and 148 and 653 IAC 12.2.

12. Upon full compliance with the terms and conditions of this Informal Settlement and upon further order of the Board, the Licensee's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

13. This Statement of Charges and Informal Settlement is subject to approval of the Board. If the Board fails to approve this Statement of Charges and Informal Settlement, it shall be of no force or effect to either party.

14. This Statement of Charges and Informal Settlement is voluntarily submitted by the Licensee to the Board for consideration. By entering into this agreement the Licensee waives any rights to a contested case hearing on the allegations contained in the Statement of Charges. The Licensee also waives any objections to the terms and conditions of the Informal Settlement.

15. The Board's approval of this Statement of Charges and Informal Settlement shall constitute the resolution of a contested case proceeding and shall be a **FINAL ORDER** of the Board.

Rolf F. Kruse MD
Rolf F. Kruse, MD, Licensee

Subscribed and sworn to before me on 3 February, 1997.

Myrna G. Schumacher
Notary Public, State of Iowa

This Statement of Charges and Informal Settlement is approved by the Board on January 23, 1997.

Laura J. Stensrud
Laura J. Stensrud, Vice Chairperson
Iowa Board of Medical Examiners

c: Theresa O'Connell Weeg, Esq., Assistant Attorney General
David L. Brown, Esq., Attorney for Licensee

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